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Attorney Docket No. 02/084 NUT
Customer No. 38263

OCT 05 2006**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: *Haber et al.*

Group Art Unit: 1655

Application No.: 10/538,903

Examiner: M. L. McCormick

Filed: June 14, 2005

Confirmation No.: 8826

For: **DIETARY FOODSTUFF FOR POSITIVELY
INFLUENCING CARDIOVASCULAR HEALTH**

AMENDMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Charlotte, North Carolina
October 5, 2006

Dear Sir:

In response to the non-final Office Action dated July 5, 2006, kindly consider the following amendments and remarks. Also enclosed is a terminal disclaimer to co-pending United States Patent Application No. 10/539,174 with credit card form.

Amendments to the Claims are reflected in the listing of claims which begins on Page 2 of this paper.

Remarks begin on Page 5 of this paper.